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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE 44th MEETING IN 1990

Held at the Palais des Nations, Geneva,
on Friday, 7 December 1990, at 3 p.m.

Chairman: Mr. KOUZNETSOV

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The meeting was called to order at 3.25 p.m.

CONSIDERATION OF REPORTS (agenda item 7)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Dominican Republic (E/1990/5/Add.4) (continued)

1. At the invitation of the Chairman, Mr. Suazo (Dominican Republic) resumed his place at the Committee table.

2. Mr. SUAZO (Dominican Republic), continuing to reply, point by point, to the questions set out in the list prepared by the pre-sessional Working Group (E/C.12/WG/1990/CRP.5/Rev.1), said that the report of the Dominican Republic (E/1990/5/Add.4) contained a good deal of information on the implementation of article 6 of the Covenant and he would therefore confine himself to furnishing some additional information.

3. With particular reference to the minimum wage, he said that it amounted at the present time to 1,120 Dominican pesos, i.e. $US 97.40 per month, at the official rate of exchange.

4. As to the trend of unemployment in the past five years, available statistics showed that the average annual unemployment rate had been 22.6 per cent in 1982, 24.8 per cent in 1984, 28.5 per cent in 1986 and 20.8 per cent in 1988, the last year for which reliable figures were available. He was unable at the present time to provide reliable statistics on unemployment by sex and age group; such statistics were difficult to compile owing to the fact that in the Dominican Republic, as in any small developing country, account must also be taken of employment in the underground economy and in the informal sector of the economy.

5. Replying to the question on the length of the working day, he explained that under the Labour Code, the normal duration, without distinction of sex, was that laid down in the contract of employment, but that it could in no case exceed a total of 8 hours a day and 44 hours a week, it being understood that the working week had to end at noon on Saturday.

6. With regard to the legal authority to which a worker could appeal if he was not hired on a regular basis, contrary to his labour rights, the tribunal of first instance to which a worker who considered his labour rights to have been infringed could turn was the Office of the Secretary of State for Labour, a State ministerial body also responsible for settling all labour conflicts between employees or between employees and employers.

7. On the implementation of article 7 of the Covenant, he said, in response to a question concerning the machinery for fixing the minimum wage and the role it played in collective bargaining, that the minimum wage was set by the National Wages Committee, which was composed of a Director-General and two members appointed by the Executive, in other words accountable directly to the President of the Republic, and of members designated as representing employers and workers (paras. 25-27 of the report). The Committee was responsible for fixing minimum wage rates for workers in every sector of the economy as well

as the form in which those wages were to be paid. The minimum wage rates were revised by the Committee at least once every three years, although not before they had been in force for one year.

8. The National Wages Committee made no distinction between the sectors of economic activity for the purpose of fixing minimum wages. Nevertheless, it had full discretion to determine the appropriate minimum wage in urban areas compared with rural areas in the light of the country's basic requirements.

9. With regard to the percentage of the economically active population that received less than the minimum wage, he did not have any data at the present time. Those statistics were also difficult to obtain because of the size of the informal sector of the economy.

10. The proportion of wages on which the retirement plan was based was determined by the Social Security Act (art. 59). The Act stipulated that the disability or old-age pension should be composed of a basic amount equal to 40 per cent of the average monthly wage and an additional 2 per cent for each tranche of 100 weekly contributions above the required minimum in order to be entitled to the full amount of the pension (i.e., 250 weekly contributions in the case of the disability pension and 800 weekly payments in the case of the old-age pension).

11. In response to the question on the nature of the limitations imposed on the rights of women set forth in article 7 of the Covenant, he said that articles 210-218 of the Labour Code dealt with the protection of the rights of economically active women. Any limitation on those rights was legally considered to be a violation of the articles in question and complaints based on the existence of such a limitation were therefore brought before the Secretary of State for Labour.

12. Poor, uneducated women had access on the same footing as men to vocational training centres. In addition, they could also form women's associations and co-operatives, which gave high priority to upgrading the qualifications of such women who, in the Dominican Republic, as in any developing society, were usually at a disadvantage with respect to men from the same social environment from the standpoint of training opportunities. Women who came from a more prosperous background and who had therefore been able to obtain training which afforded better employment opportunities suffered from no discrimination, whether legislative or practical, and the principle of equal pay for equal work was applicable to them and applied.

13. With regard to the questions raised concerning trade union rights (art. 8 of the Covenant), he said that the right to form trade unions was governed by articles 293-361 of the Labour Code, the main provisions of which were summarized in the report (pp. 7 and 8). There were many trade unions and trade union organizations which exercised their activity in full freedom, and workers made use of their right to strike whenever they deemed it appropriate, provided that they complied with the relevant provisions of the Labour Code.

14. In principle, Government employees did not have the right to strike in cases where it was considered that such a strike would prevent the normal functioning of essential State services, in other words public services or public utilities.

15. With regard to the implementation of article 9 of the Covenant (right to social security), he was prepared to provide, in addition to the legislative information already contained in the report, supplementary data in response to any specific questions which the members of the Committee wished to put.

16. Proceeding to the questions relating to article 10 of the Covenant (protection of the family, mothers and children), he observed, first of all, that marriage was regarded as the legal basis of the family, under article 8 of the Dominican Constitution, and that it could be entered into in full freedom.

17. The information requested by the Committee on the percentage of pregnant women who received social security benefits would be transmitted subsequently. As indicated in the report, any pregnant woman employed by the State or by its institutions or autonomous bodies, by municipal authorities or by any other person, enterprise or particular entity was entitled to compulsory leave for the six weeks preceding the birth and the six weeks following (Act No. 4099 on pre-natal and post-natal leave). During the entire period of that leave, the woman received her full salary and retained her job, with all the relevant rights and benefits.

18. The medical care for mothers and children to which pregnant women and young mothers were entitled was provided in hospitals and public maternal and child care centres.

19. He stressed the thorny nature of the question relating to the situation of the self-employed woman not covered by social security and the regulations existing for women working as domestic servants. If it was hoped to be able in the future to implement fully the provisions of the Covenant in respect of social security for those categories of woman workers, members must recognize that, for the time being, it was difficult to ensure their social security coverage because of the unstable and non-institutionalized nature of that kind of work. It was not so long ago that domestic servants had been dispersed and rather few in number, and only with recent urbanization had they become a recognizable and quantifiable economically active population group. Furthermore, even if in some cases they benefited from social security at the present time, they still did not form legal trade unions or recognized and institutionalized groups. In that connection, he said that those questions were among those which the revision of the Labour Code currently under way was intended to resolve.

20. In response to the questions relating to the Government's policy regarding retirement pensions, he said that under article 57 of the 1986 Social Insurance Act, the minimum age for retirement had been fixed at 60 years. Recalling that he had already explained, under article 7 of the Covenant, the manner in which the amount of a retirement pension was calculated, he said that there was no difference in that regard between men and women.

21. With regard to the request by the Committee for statistical data regarding children and adolescents who worked, with an indication of the type of work they performed, he said that in the Dominican Republic there were about 94,165 children between 10 and 14 years of age who were engaged in productive work, in other words nearly 17 per cent of the economically active

population. That might seem a rather large proportion, but it must be viewed in the light of the very high unemployment rate in the Dominican Republic.

22. Replying in a general manner to the questions raised by the Committee concerning minors, he observed that legislative measures had been taken to reduce the number of abandoned children and to protect minors against exploitation. In that regard, the most efficient legal instrument was Act No. 2402 relating to compulsory assistance to persons under 18 years of age. The Act provided, for example, that parents had to take care of their children under 18 years of age in the interests of society. It made it obligatory in the first instance for the father and then for the mother, to the extent of their means, to meet their children's needs with respect to food, housing, education, etc., whether the children had been born in or out of wedlock. A father or mother who failed to fulfil that obligation or persistently refused to do so was liable to a correctional prison term of two years.

23. With regard to special measures for the care and education of handicapped children or of delinquent minors, there were a series of public centres which were responsible for helping those categories of persons. The State was assisted in that effort by private bodies which had their own resources or received funds from an international source.

24. The penalties imposed for violation of the regulations governing the working conditions of women and children were defined in detail in the Labour Code and were similar to those applied for violations of the rights of adult men.

25. Turning to the rights which were the subject of article 11 of the Covenant, he said that the right to adequate food and the right to housing were guaranteed by the Constitution, but that there was clearly a gap between the constitutional provisions and their practical implementation. The current Dominican Government had made great efforts to ensure the enjoyment of the right to housing, and the rate of housing construction for low-income households had made considerable progress and continued to increase. Nevertheless, the Dominican Republic was handicapped in its social development efforts by a high population growth rate, which constituted a considerable burden on its available resources.

26. With respect to food programmes and projects executed with the assistance of international organizations, he said that various United Nations bodies, including FAO, and international institutions working on a bilateral basis, provided the Dominican Republic with agricultural assistance aimed essentially at promoting the production of basic foodstuffs. At the national level, there was a National Price Stabilization Institute which had a double function: firstly, it purchased foodstuffs which were part of the Dominican population's basic diet and distributed them to low-income families and, secondly, it played the role of a financing agency in that the foodstuffs in question were sold to disadvantaged families at prices which they could afford.

27. As to the assistance given to peasants in the form of loans and equipment, he explained that such assistance, based on the country's own resources, was provided through the Agricultural Bank of the Dominican Republic, which sought to grant farmers credit on flexible terms, to purchase their crops at a price that would enable them to make a profit and to facilitate the transport, distribution and sale of agricultural produce.

28. Referring to the guarantees provided in Dominican legislation for the protection of tenants, he said that in 1959 the Dominican Government had adopted rent control legislation with a view to protecting tenants, who could be expelled from their homes only when all the conditions prescribed by that Act had been met. Therefore, tenants could not be arbitrarily expelled in the Dominican Republic, and the facts showed that that prohibition was respected in practice.

29. As to the information requested by the Committee on the percentage of the urban and rural population that lacked essential services such as drinking water, sewerage and electricity, he said that he was not in a position at the present time to provide specific data on the subject but assured the Committee that considerable efforts were being made to ensure the supply of electricity and drinking water throughout the country.

30. With respect to the questions relating to article 12 and to the right to physical and mental health, the legislative texts which guaranteed that the entire population of the country had access to medical care were indicated in the report under consideration. The Secretary of State for Public Health and Social Security had the dual task of monitoring the state of health of the population and of implementing social programmes in favour of economically disadvantaged persons, who received free medical care under the social security scheme. The social security system also managed a public hospital network. He had not received comparative figures on the health care system, i.e. data on the number of health centres for urban and rural areas, but public hospitals were usually located in accordance with the density of the population in the various areas to be served. Furthermore, the Government had set up, in urban and rural areas, a network of "popular pharmacies", where economically disadvantaged persons could obtain care and advice but primarily medicines at the lowest price at which the State could sell them, having regard to the foreign exchange available to it. Therefore, the social security system provided complete medical coverage for everyone. Lastly, the public authorities had obtained excellent results in the fight against a number of endemic and epidemic diseases, as indicated in the report (para. 54), and had succeeded in controlling and even eliminating several tropical diseases usually found in countries of the region. As a result of the compulsory and regular vaccination of children against all diseases targeted by the programmes of the international bodies in the United Nations system and others, infant mortality was now much lower in the Dominican Republic than in other Caribbean countries.

31. With regard to the questions concerning articles 13 and 14 of the Covenant and the right to education, the most recent data available on illiteracy in the Dominican Republic went back to 1983, the year when the rate had been officially established at 1.33 per cent. That figure would actually be much higher if account was taken of so-called functionally illiterate persons, in other words persons who were only partially able to read and write and who therefore found it difficult to lead a normal existence in an increasingly complex society.

32. He had no information on the percentage of children completing the sixth grade. The acquisition of textbooks at the primary level was in principle subsidized by the State. Nearly all those books were purchased abroad, and the amount of the relevant subsidy, which was currently the subject of negotiations, depended in the final analysis on the amount of

foreign exchange available to the State for that purpose. Furthermore, teachers in the public and private sectors had begun a whole series of salary negotiations and the outcome would probably be a wage adjustment for primary school teachers; the Dominican authorities would probably be able at that time to provide the experts with more precise figures on the matter.

33. He was unable to furnish information on the proportion of State and private universities or statistics on enrolment by sex: the number of students in secondary and higher educational institutions was nearly 1,884,300, of whom 1,297,000 were in the first cycle, 463,600 in the second cycle, and 123,700 in the third cycle. He had received no data on the proportion of State and private universities or statistics on enrolment by sex.

34. It was true that the report made no reference to the rights mentioned in article 15 of the Covenant. He did not know whether that was a mere oversight by the persons responsible for preparing the document. The relevant information could be transmitted to the Committee at a later stage.

35. The CHAIRMAN invited the representative of the International Labour Organisation to take the floor, in accordance with rule 74 of the rules of procedure, in order to provide the members of the Committee with the information he considered useful.

36. Mr. DAO (International Labour Organisation - ILO), summarizing the situation with regard to the ratification and implementation by the Dominican Republic of a number of ILO Conventions having a bearing on articles 6-10 of the Covenant, first drew the attention of the members of the Committee to a serious problem involving Haitian nationals working on the sugar-cane plantations which had been submitted to the ILO Commission of Inquiry in 1983: having entered the country illegally, those persons were said to have been forcibly concentrated on the plantations and forced to work there in harsh conditions.

37. With regard to the rights stipulated in article 6 of the Covenant, the Dominican Republic had ratified Conventions Nos. 29 and 105 concerning forced labour and Convention No. 111 concerning discrimination in respect of employment and occupation. In its comments referring to Convention No. 105, the ILO Committee of Experts had focused mainly on the normalization of the status of Haitians living and working in the Dominican Republic, on the recruitment procedures and residence conditions affecting those workers, and on the protection of their fundamental rights and freedoms; he had invited the Government to adopt the measures recommended by the Commission of Inquiry. With regard to the rights stipulated in article 7 of the Covenant, the Committee of Experts, taking note of the ratification by the Dominican Republic of Convention No. 95 concerning the protection of wages, had also referred in its comments to the recommendations of the Commission of Inquiry and requested the Government to take steps to ensure that the provisions concerning the legal minimum wage were observed and that wages and salaries due were paid in full and in cash without any deductions or any other restriction on the right of workers to use their wages as they saw fit.

38. With regard to the rights stipulated in article 8 of the Covenant, the Committee of Experts, referring to ILO Conventions Nos. 87 and 98, had mentioned comments which had been submitted to it by the General Conference of Workers, concerning the refusal to register trade unions on several sugar-cane

plantations, incidents of discrimination against trade unionists, restrictions on the trade-union rights of foreign and Haitian workers on those plantations, and violence committed against Haitian workers or those of Haitian descent. In addition, in its own comments, the Committee of Experts had emphasized the contradiction between the provisions of Convention No. 87 concerning freedom of association and certain Dominican legislative provisions: the trade-union rights of civil servants and other public employees were restricted by virtue of the fact that the authorities had the power to dissolve public-employee associations; strikes were prohibited in some public services which were not, however, essential services according to the definition worked out by the ILO monitoring bodies. In general, there were major restrictions on the right to strike, as indicated, for that matter, by the Dominican Government in its report (para. 39). Moreover, several complaints had been submitted to the ILO Committee on Freedom of Association concerning infringements of trade-union rights; the most recent one (No. 1504, 270th report of the Committee) referred to violence committed by the police and armed forces, which was said to have killed 3 persons and injured 12, and to the arrest of thousands of persons during the general strike of June 1989. The Government had refuted those charges; the Committee on Freedom of Association had deplored such violence and requested further information on the criminal proceedings brought against the arrested persons and on the sentences which they had received.

39. With regard to the rights laid down in article 9 of the Covenant, the Dominican Republic had ratified only Convention No. 19 concerning equality of treatment for national and foreign workers regarding workmen's compensation for accidents and there were no comments to be made in that connection. As to the rights referred to in article 10, the country had ratified three conventions establishing the minimum age at which children could be admitted to employment, two conventions limiting night work for children and adolescents and one convention concerning medical examinations for adolescents, for which it had yet to adopt implementation measures. The Convention concerning maternity protection had not been ratified.

40. Referring to recent developments relating to the status of workers on the sugar-cane plantations, he noted that the International Labour Office had received from the Dominican Secretary of State for Foreign Affairs a letter dated 23 November 1990, inviting the Office to send a mission to the plantations in order to conduct on-site observations of the living and working conditions of the persons in question, and also requesting legal assistance in the forthcoming review of the Labour Code. The Office would send a mission to the country in January 1991 and would consider the request for legal assistance in due course.

41. Mr. ALVAREZ VITA commended the representative of the Dominican Republic on his frankness in admitting that he lacked information on certain issues and that he recognized the existence of a gap between law and reality. He himself was, however, very concerned at the lack of statistical data, for without such data the Committee had no way of assessing the practical implementation of the Covenant. He wondered whether the problem could be attributed to the lack of an organization responsible for gathering data and preparing statistics, or to some altogether different reason. Since the only statistic which Mr. Suazo had been able to cite was from 1983, he wondered how the country's entire statistical system functioned.

42. Many so-called developing countries had actually stopped making progress, becoming completely bogged down in their problems: what was the situation in the Dominican Republic? While some claimed that that country had made enormous strides, others pointed to huge gaps with regard to those sectors of the population which had been very severely affected by the crisis. From that point of view, he would appreciate information concerning the impact of the external debt on the enjoyment of economic, social and cultural rights in the country.

43. According to some sources, racial discrimination existed in the Dominican Republic: he wished to know what percentage of the Dominican population was black and to what extent mestizos truly enjoyed the same rights as white Dominicans. What was the social status of blacks and mestizos, and would they be able to occupy an important position in the economy?

44. With regard to the information provided in the report, he drew attention first of all to paragraph 6, citing the legislation relating to the granting of Dominican nationality, which he found surprising, to say the least: he wondered whether there might not have been some transcription error, or whether article 11, paragraph 1 of the Civil Code really drew a distinction between legitimate and illegitimate children of aliens resident in the country as diplomatic representatives or in transit through the country. If such was indeed the case, could the illegitimate child of an alien diplomatic representative adopt Dominican nationality, and what was the situation regarding the children of members of the consular corps? Later, in paragraph 8, it was stipulated that, according to article 13 of the Civil Code, an alien to whom the Government had granted the right of abode in the Dominican Republic would enjoy the full range of civil rights for as long as he continued to reside in the country. He questioned whether there were really no restrictions on the enjoyment of civil rights by aliens. In addition, referring in particular to the case of Haitians working in the Dominican Republic, whose situation could not fail to arouse concern, he asked under what circumstances aliens could be granted the right of abode in the country.

45. Paragraph 42 referred to article 8 of the Constitution, which provided, in its paragraph 15, subparagraph (d), that married women should enjoy full civil capacity: must the conclusion be drawn that women acquired such capacity only through marriage and, if so, what was the status of single, widowed or divorced women? It was further stipulated (para. 30) that, according to article 209 of the Labour Code, women should enjoy the same rights and have the same obligations as men where labour legislation was concerned, with no exceptions other than those provided for in articles 210-218 of the Code. He wished to know exactly what those exceptions were. Moreover, he could not understand what social conditions could have induced the authorities to stipulate (art. 230 of the Labour Code) that no girl of under 18 years of age could work as a messenger or be employed in the delivery of merchandise. Mr. Suazo had referred in his statement to the benefits and post-natal leave granted to women for the purposes of child-raising: in view of the established principle of equality between men and women, did men who were raising their children alone also enjoy any rights in that area?

46. Lastly, he was deeply concerned at the situation of domestic employees as it had been described by the Dominican delegation, and by the problems of Dominican workers, to which the ILO representative had referred.

47. Mr. SIMMA said that of all the reports which had come to his attention since he had been a member of the Committee, that of the Dominican Republic was the least satisfactory. The representative of that country had not managed in his oral presentation to supplement the information in the report. Perhaps he had not fully understood that the pre-sessional Working Group specifically raised questions concerning matters insufficiently dealt with in reports so that Governments could fill in the missing information.

48. The idea which the Dominican Republic seemed to have of the right to housing was disturbing. The number of evictions was higher in that country than in any other country of the Western Hemisphere or Latin America. In anticipation of the five hundredth anniversary of Christopher Columbus' landing, the authorities had adopted plans for remodelling a number of cities, including Santiago and Santo Domingo. Those preparations had led to the eviction of some 15,000 families who had been living in miserable conditions for the previous three years. The evictions had most often been decided on in violation of the law and the evicted tenants had received no legal assistance. The Dominican Republic had put itself in an entirely different position than other countries which, for their part, were unable to ensure observance of the right to housing because they did not have the means. The Dominican Republic was deliberately flouting the provisions of the Covenant. During the previous year, the Committee had given considerable attention to the right to housing and had concluded in its report that all acts or omissions constituting a violation of that right should be given thorough consideration. There existed very detailed information on the situation in the Dominican Republic, particularly in Santo Domingo, and a number of non-governmental organizations, including International Coalition Habitat, whose representatives attended meetings of the Committee as observers, possessed detailed information.

49. Mr. MUTERAHEJURU said that the report - a mere compilation of legislation - did not tell the Committee much about the progress made in the Dominican Republic. The representative of that country had failed to answer a large number of oral queries, and written replies would therefore be helpful. It would have been advisable for the report to provide the Committee with information concerning the population, institutions and the socio-economic situation and also to contain statistical data, or at least for the representative to supply such data in his introductory statement. The report did not take the general guidelines into account, and the Committee was compelled to repeat the same questions, some of which simply remained unanswered, in spite of everything.

50. He requested specific information with regard to articles 10-12. The report did not indicate exactly what was meant by "family" in the Dominican Republic or, for example, who the head of the family was. Neither the requirements for marriage nor its effects were described, and it might be asked whether the State encouraged the family and marriage. No information was given concerning direct descent. A member of the Committee had already inquired about the situation with regard to legitimate and illegitimate children; it should also be made clear whether the children of incestuous or adulterous unions had a special status and what the legal régime governing divorce was. What happened in the case of failed marriages and what was the proportion of divorces to the number of marriages and their annual frequency? The Dominican Government should state whether it had adopted measures to encourage births and either describe them or explain the reasons for their

absence. No information had been given concerning abortion; it might be asked whether abortion was subject to criminal prosecution and, if so, whether there were also cases in which it was not penalized. Was abortion considered from anything other than a point of view? With regard to article 12, it would be necessary to know whether pollution was a problem, whether special environmental protection measures were required and, if so, of what kind. In a tropical country like the Dominican Republic, malaria might be an affliction which should be described, for example, by spelling out the relation between malaria and AIDS, the latter not having been mentioned in the report.

51. Mr. NENEMAN pointed out that the report contained no information relating to article 15. What was important was not detail alone, but also the way in which it was presented. For example, the Committee wished not only to learn about the employment situation at the time of the report but also to be informed about trends and developments over several years which would show what government efforts had been made. With regard to article 9, relating to social security, he noted from the United Nations Statistical Yearbook that the Dominican Republic allotted only 0.5 per cent of its GNP to social security costs, whereas the corresponding proportion was 6.3 per cent in Costa Rica and 5.5 per cent in Chile. Nor did the report say anything about unemployment insurance. With regard to article 12, it was satisfying to note that infant mortality had declined and was lower than the rate in Honduras and Egypt, although higher than that in Chile or Cuba; the declining trend was being maintained, and was encouraging. With regard to education, the report did say that some 136,000 children did not attend school, but it failed to show what percentage of the total number of children that figure represented or make it clear whether the right to education was being observed better than several years previously. Lastly, no information had been conveyed, either in writing or orally, on the subject of article 15 regarding the right to culture - for example with regard to cultural policy relating to theatres or museums or to the general public's access to culture. Many countries had difficulty in ensuring the exercise of that right but they at least made an effort to inform the Committee about the situation.

52. Mr. TEXIER said that he, too, thought the report inadequate; he recalled that the pre-sessional Working Group had asked 58 questions, to which there had been only vague replies or no reply at all from the Dominican Republic. The Committee could not consider that it had been sufficiently well informed, and further written information was required. Two points, among many others, were to be stressed.

53. With regard to article 11, the Committee members had all received a great deal of information from non-governmental organizations which had representatives in the Dominican Republic about urban rebuilding and evictions. Mr. Simma had already touched on a problem of substance in that regard, having shown that the Dominican Republic was violating the International Covenant on Economic, Social and Cultural Rights. The Dominican Government must respond, therefore, to that allegation. In fact, 15,000 families had been evicted, and the majority had since been living in very poor conditions or in very costly accommodation. The representative of the Dominican Republic had affirmed that legal procedure had been observed, but one expert, as well as non-governmental organizations of jurists, had asserted the contrary. The following eviction procedure was carried out: prior to any eviction, a conciliation meeting, in the presence of a lawyer, had to be held; if no agreement resulted, an appeal tribunal could authorize the eviction, and

as a last resort the State Attorney intervened. Its slowness was a safeguard against hasty evictions, but the procedure had not been observed. The Dominican Government had violated the legal and constitutional provisions for the protection of individuals. The evictions had also led to violations of article 11: there had been contamination of drinking water, and electricity had been cut off. In the Dominican Republic, over 15,000 children died each year from dehydration, 43 per cent of children lived in absolute poverty and the hospitals were ill-equipped. The Dominican representative was thus bound to reply to those allegations, and could not simply say that there was no information, since the Committee itself had been able to obtain it.

54. He was well aware, as the Commission on Human Rights Experts on Haiti, of the situation of Haitian workers in the Dominican sugar-cane plantations. That situation, which caused the Haitian Government grave concern, had indeed been the subject of a report by a non-governmental organization, Human Rights Watch. According to on-the-spot inquiries, Haitian workers were recruited by force and even compelled to work for the entire sugar-cane harvest season. The Dominican Government was implicated in those activities through the intermediary of an official body called the CEA. What seemed to be in question was not the legislation but its implementation. He asked for precise replies on the question of evictions and that of Haitian workers in the Dominican Republic.

55. Mr. SPARSIS said that the States parties to the International Covenant on Economic, Social and Cultural Rights had to take suitable measures to safeguard the right to work. The Dominican Government had not provided employment statistics covering a period long enough to enable the Committee to assess the situation, and should remedy that shortcoming. It had said, in its report, that the Technical and Vocational Training Institute had the task of training and re-training in order to promote productive employment; no critical appraisal of the Institute's activities had been communicated, and the report did not say whether the State provided it with the means to attain its objectives.

56. According to paragraph 39 of the report, public service or public utility personnel were not allowed to go on strike. However, the notion of public service or public utility was very vague and could cover numerous sectors. He therefore asked the Dominican delegation to specify the services concerned.

57. The Committee had received no detailed information about the Dominican Republic's social security system. He would like to know the scope of social protection and what main benefits were available to Dominican citizens.

58. With regard to article 11, he would like to know how the "right to an adequate standard of living" was understood in the Dominican Republic, and what measures had been taken to ensure the exercise of that right.

59. He welcomed the fact that the Dominican Government had requested ILO assistance in certain spheres of particular importance for the country. He wondered, however, whether anyone had been appointed in the country to continue the ILO experts' work once they had completed their mission.

60. Mrs. JIMENEZ BUTRAGUEÑO said she had been very disappointed by the report, which was no more than a compilation of constitutional provisions

and laws. It gave no true picture of the situation and no details about the programmes put in hand to ensure implementation of the rights set forth in the Covenant. She also regretted that the Dominican delegation had not given satisfactory replies to the many questions raised. In her view, therefore, the Dominican Government should be asked for further information on all the articles of the Covenant.

61. Turning to the questions raised by the pre-sessional Working Group, she would like to have more specific information on the situation of aliens in the Dominican Republic. She asked whether they had the same rights as Dominican nationals to housing, education and culture.

62. With regard to the status of women, the Dominican delegation had said that women enjoyed special protection. She would like to have details on that subject, and wondered whether excessive protection might hamper the advancement of women in the working world. It would likewise be useful, in her view, to have some clarification on the subject of the particular religious protection afforded to Dominican women.

63. She would also like to know the Government's position on the subject of abortion. She had noted that the birth rate in the Dominican Republic was lower than that in other Latin American countries, and wondered whether a family planning programme existed.

64. With regard to children and adolescents, she would like to know whether there were many abandoned children, whether trafficking in children existed and what the situation was with regard to child prostitution.

65. She would also like to have further information about the social security system. The representative of the Dominican Republic had said that the entire Dominican population was covered by sickness protection. But no country, however developed, could provide 100 per cent cover. Therefore, she would like to know roughly how many people were covered by sickness benefit.

66. Finally, she would like to know whether there were any AIDS cases in the Dominican Republic and, if so, what the number was, which population sectors were the most seriously affected and whether the Government had in hand a programme to combat that disease.

67. Mr. FOFANA said that he, too, thought that the Dominican Government ought to provide further information. He noted that the Dominican Republic's report had been drawn up over a year previously, and felt it would have been useful to know what significant developments had occurred, since its preparation, in regard to implementation of the rights set forth in the Covenant.

68. He therefore requested the Dominican delegation to rectify that shortcoming. He would also welcome information about external indebtedness and its impact on the implementation of the Covenant's provisions. With regard to the family, he would like to know the proportion of marriages to free unions, and the percentage of divorces. He also wondered whether any disadvantaged group existed in the Dominican Republic and, if so, what measures were being taken to assist it.

69. Ms. TAYA said it seemed to her that the working conditions of the Haitians employed in the sugar-cane plantations were reminiscent of

slavery. She would like to know just what the situation was and whether any administrative measures had been taken to protect them.

70. Mr. MRATCHKOV noted that the Dominican Republic had been a party to the Covenant for almost 13 years. That being so, the Dominican Republic had submitted a report which was unsatisfactory in that it did not follow the Secretary-General's guidelines: it contained no information on the exercise of the rights set forth, merely cited legal provisions and was incomplete because it bore no information about article 15 of the Covenant. The number of questions raised by the pre-sessional Working Group testified, moreover, to the report's shortcomings, and he would expect to receive further information during the Dominican delegation's oral presentation.

71. With regard to article 6 of the Covenant, he would like to know whether vocational guidance and training programmes existed and, if so, what they were.

72. Concerning article 7, he would like to have details about paid holidays.

73. With regard to article 8, he also asked for clarification about exercise of the right to organize and the right to strike. He had noted from the report that, in order that a strike could be declared, over 60 per cent of the workers concerned had to have voted for it. That procedure, it seemed to him, did not conform to the practice of the ILO's Committee on Freedom of Association. Since article 8 referred to the ILO Convention concerning Freedom of Association, it would be useful to have some details on the subject.

74. Lastly, referring to article 9 of the Covenant, he would like to know what social risks were covered by the social security system.

75. Mr. KONATE said that he, too, wished to stress that the report transmitted by the Dominican Republic did not follow the guidelines and that, as a result, it was difficult to put questions.

76. A distinction was made, in paragraph 21 of the report, between urban and rural workers. He would like to know the proportions of the two categories of workers. He also asked whether rural workers were covered by a social security scheme.

77. He noted that, in paragraph 33 of the report, mention was made of a 5 per cent value-added tax on certain products, and wondered whether it was not, in fact, an employers' deduction from wages.

78. He would like to have details about the conditions and ways in which trade-union and strike rights were exercised, since it seemed to him that the exercise of those rights was subject to restrictive conditions.

79. With regard to the labour of minors, the Dominican Labour Code established the minimum working age at 14 years; he wondered whether that conformed to international standards.

80. He noted with satisfaction the Dominican Constitution's provisions for the progressive development of social security so that every person would be

able to enjoy, inter alia, adequate protection against unemployment. He would welcome some details in that regard and, in particular, would like to know whether unemployment benefits existed.

81. He suggested that the Committee should request the Dominican delegation to observe the Secretary-General's guidelines when it transmitted supplementary written information.

82. The CHAIRMAN thanked the Dominican delegation.

83. Mr. Suazo (Dominican Republic) withdrew.

The meeting rose at 6.05 p.m.